

## MERCHANT & GOULD P.C.

## United States Patent Applicati n COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

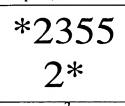
	Contro	of Apparatus for an	Electric Powe	er Ste	ering Syst	em	
The specification of which a. \( \subseteq \) is attached hereto b. \( \subseteq \) was filed on \( \subseteq \) (in the case of a PCT-filed applic \( (if any), very \)	ation) de	application serial no escribed and claimed in i lave reviewed and for wh	nternational no		filed	on	(if applicable and as amended on
I hereby state that I have reviewe any amendment referred to above		derstand the contents of	the above-identif	ied spe	ecification, in	cluding the cla	ims, as amended by
I acknowledge the duty to disclosed deral Regulations, § 1.56 (attack)			to the patentabilit	y of th	is application	in accordance	with Title 37, Code o
I hereby claim foreign priority be certificate listed below and have that of the application on the basis.  a no such applications have b such applications have been	also ider is of whi been file	ntified below any foreign ch priority is claimed: d.	tes Code, § 119/3 application for p	65 of a atent o	any foreign ap or inventor's c	pplication(s) fo certificate havir	r patent or inventor's  ig a filing date before
FO	REIGN A	PPLICATION(S), IF ANY, O	CLAIMING PRIOR	ITY UN	DER 35 USC §	119	
COUNTRY	APPI	ICATION NUMBER	1	DATE OF FILING (day, month, year)		DATE OF ISSU (day, month, ye	H
Japan	20	002-296604	9, October	, 2002	2		
ALL FOR	EIGN AF	PLICATION(S), IF ANY, F	ILED BEFORE TH	E PRIO	RITY APPLIC	ATION(S)	
COUNTRY	APPI	ICATION NUMBER	DATE OF FILIT (day, month, yea			DATE OF ISSU (day, month, ye	
I hereby claim the benefit under below and, insofar as the subject manner provided by the first para defined in Title 37, Code of Fede or PCT international filing date of	matter o graph of ral Regu	f each of the claims of the Title 35, United States (lations, § 1.56(a) which	nis application is a Code, § 112, I act	not dis knowle	closed in the edge the duty	prior United St to disclose ma	tates application in the terial information as
U.S. APPLICATION NUMBE	CR	DATE OF FILING	(day, month, year)		STATUS	S (patented, pendi	ng, abandoned)
I hereby claim the benefit under	Title 35,	United States Code § 11	9(e) of any Unite	d State	es provisional	l application(s)	listed below:
U.S. PROVISIONAL	APPLICA	ATION NUMBER		DA	TE OF FILING	G (Day, Month, Ye	ar)
I hereby appoint the following at Trademark Office connected here	-	) and/or patent agent(s) t	o prosecute this a	pplica	tion and to tra	ansact all busin	ess in the Patent and

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Kowalchyk, Alan W.	Reg. No. 31,535		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## § 1.56 Duty t disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.